

ITEM NO.: _____

PREPARED BY: Brian S. Bacchus

MOVED BY: _____

APPROVED BY: _____

A JOINT RESOLUTION OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE, TO AUTHORIZE A PLANNED DEVELOPMENT AMENDMENT LOCATED AT THE EAST SIDE OF SOUTHWIND PARK COVE; +/-182.82 FEET NORTH OF WINCHESTER ROAD, KNOWN AS THE OFFICES OF SOUTHWIND PLANNED DEVELOPMENT, AMENDED P.D. 08-310 CC.

WHEREAS, Application has been made for a planned development amendment to allow a music or dancing academy and beauty shop in Parcel 5 of the Outline Plan.

CASE NO. P.D. 08-310 CC

PROPERTY LOCATION: East East side of Southwind Park Cove; +/-182.82 feet north of Winchester Road

The property being more particularly described on the Outline Plan.

WHEREAS, The Office of Planning and Development has received and reviewed the application in accordance with the procedures, objectives, and standards for planned developments as set forth in Section 14 of the Joint Memphis and Shelby County Zoning Ordinance-Regulations, and has considered the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and whether the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on **Thursday, May 8, 2008** and said Board reported its recommendation of **approval with conditions** to the City Council and County Commission regarding the objectives, standards, and criteria, and the effect of granting the planned development amendment upon the character of the neighborhood and other matters pertaining to the public safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, AND THE CITY COUNCIL OF THE CITY OF MEMPHIS:

Section 1. That pursuant to Section 14 of the Memphis and Shelby County Zoning Ordinance-Regulations, a Planned Development amendment is approved for property located at the east side of Southwind Park Cove; +/-182.82 feet north of Winchester Road, subject to the attached conditions.

Section 2. **BE IT FURTHER RESOLVED**, That the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the Outline Plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said Outline Plan and the provisions of Section 14 of the Zoning Ordinance-Regulations.

Section 3. **BE IT FURTHER RESOLVED**, That the Joint Zoning Resolution take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdiction subject to the above mentioned Joint Ordinance-Regulations by virtue of the joint, concurring, and separate passage thereof by the Board of Commissioners of Shelby County, Tennessee, and the City Council of the City of Memphis.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of the County Commission

ADOPTED: _____

P.D. 08-310 CC
The Offices of Southwind Planned Development, Amended

P.D. 08-310 CC
Outline Plan Conditions:

- I. Uses Permitted: **Amendments:** **[Bold, Italic & Underlined]**
- A. In Parcels 1-5, any use permitted in the General Office (O-G) District by right or administrative site plan review. **In addition to above permitted uses: A music or dancing academy and beauty shop shall be allowed in Parcel 5-Only.**
 - B. Alternatively, in Parcel 5, a Day Care Center with no outside play equipment, or a Senior Day Care Center.
 - C. Alternatively, in Parcels 1 and 2, any of the following uses:
 - 1. Photo studio
 - 2. Bakery, retail
 - 3. Bank
 - 4. Beauty or Barber Shop
 - 5. Cleaning Pick-Up
 - 6. Financial Services
 - 7. Photo Finishing and Pick-Up Station
 - 8. Flower or Plant Shop
 - 9. Restaurant limited to 20 seats and no drive-thru
 - 10. Retail Sales
 - 11. Services, Other Business and Personal
 - 12. Music or Dancing Academy
 - 13. Offices
 - 14. Personal Service Establishment
- II. Building Design:
- A. The maximum gross floor area on each parcel shall be limited to the following:
 - 1. Parcel 1 – 11,625 sq. ft.
 - 2. Parcel 2 – 11,250 sq. ft.
 - 3. Parcel 3 – 12,000 sq. ft.
 - 4. Parcel 4 – 12,000 sq. ft.
 - 5. Parcel 5 – 12,000 sq. ft.
 - B. The height of a building on any parcel shall be 24 feet, provided that the number of stories shall be limited to one.
 - C. The architecture of the proposed building shall be similar to what is shown in the attached figures and elevations.
 - D. A parapet wall shall be constructed around the roof of each building to equally screen any and all roof-mounted mechanical equipment.
- III. Access, Parking and Circulation:
- A. The developer shall construct, at his sole expense, a median modification in Winchester Road with location and design subject to the approval of the City/County Engineer.
 - B. The design of the cul-de-sac end shall be subject to the approval of the City Engineer.
 - C. The design and location of the curb cuts on Southwind Office Drive shall be subject to the approval of the City Engineer.
 - D. Any existing nonconforming curb cuts shall be modified to meet the current standards of the City of Memphis and Shelby County or shall be closed with curb and gutter.
 - E. Internal circulation shall be provided between all adjacent parcels.

IV. Signs:

- A. Any attached signage shall consist of individual letters or logos no more than 24 inches in height. All letters shall be white and have a dark, earth-tone metal edge around each letter. Any lighting must be internal.
- B. One detached ground-mounted center sign shall be permitted with a maximum size of 150 square feet per sign face. The sign shall be made of the same materials used in the nearest building, or an equivalent alternative subject to the approval of the Office of Planning and Development.
- C. Any signage will be set back a minimum of 15 feet from the right-of-way and shall be sited clear of the vision triangle.
- D. Outside flags, banners and temporary or moving signs are prohibited.

V. Landscaping:

- A. A 30-foot streetscape planting shall be installed along the frontage of Winchester Road for the entire width of the development and continuing to include any portion of the outer 10 feet of the right-of-way that is unencumbered by sidewalk, easements, curbing or overhead utility wires, provided that the sidewalk may be curvilinear within the streetscape area, subject to the approval of the County Engineer. The streetscape shall consist of three rows of trees and shrubs as specified below, and a three-rail split cedar fence, to be installed by the developer and maintained by the Property Owners' Association. The northern planting row shall be Shrub A, planted 3 feet on center, and be maintained in a height of 24" to 30". The middle row shall include species from Tree B, tree C, and/or Tree D planted 30 feet on center in accordance with the standards in Chapter 29, Section M of the zoning ordinance. The southern row shall be a row of Yoshino cherry trees 10 feet to 12 feet in height and planted 40 feet on center.
- B. Landscape Plate A-1, A-2, A-3 or A-4 shall be installed on both sides of Southwind Office Cove by the developer and maintained by the property owner.
- C. The median of Winchester Road shall be landscaped with trees, shrubs and flowers in accordance with guidelines promulgated by the Technical Corridor Association. If the guidelines have been promulgated at the time the property is developed, the developer shall install the median landscaping. Otherwise the developer shall contribute the cost of installation to an escrow account controlled by the Property Owners' Association.
- D. A 40-foot landscape screen shall be installed by the developer and maintained by the property owner at the rear of Parcel 4. This screen shall consist of 4 rows of Tree 'D' planted in the pattern illustrated by plate B-5.
- E. A detailed landscaping plan shall be made a part of each final plan.
- F. Equivalent alternatives may be substituted for the landscaping required above, subject to the approval of the Office of Planning and Development.

VI. Final Plan Notes: The following notes shall be placed on the Final Plan:

- A. No adult entertainment or sexually oriented business shall be permitted in this phase of development.
- B. No outside speaker or paging system shall be permitted.
- C. Required landscaping shall not be placed on sewer or drainage easements.

- D. The existing storm water detention area shall be noted on the final plat by the phrase "Reserved for Storm Water Detention," and the following shall appear in the conditions: The existing storm water detention area shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or owner's association. Such maintenance shall be performed so to ensure that the system operates in accordance with the approved plan located in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris, and trash; mowing; outlet cleaning; and repair of drainage structures.
- E. A statement to this effect shall appear on the final plat: "All commons, open area, lakes, drainage detention facilities, private streets, private sewers and private drainage systems and common area landscaping as specified above shall be owned and maintained by a Property Owners' Association."

VII. Other:

The Land Use Control Board may modify the bulk, access, parking circulation, signage, lighting, landscaping, and other site design requirements if equivalent alternatives are presented, provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of Office of Planning and Development, to have such action reviewed by the legislative bodies.

VIII. A final plan shall be filed within five(5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

- A. The Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings or buildable areas, parking areas, drives, and identification of plant materials in required landscaping as well as a rendering of the appearance of all proposed buildings including labeling of predominant construction materials.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. The Floodway District boundary, the 100-year flood elevation and any wetlands.
- G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved For Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to, removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning; and repair of drainage structures.

